

Attachment G – Waiver Requests

Commonwealth of Massachusetts

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Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Chrystal Komegay, Undersecretary

October 27, 2015

ATTN: U.S. Dept. of Housing and Urban Development
ResilientRecovery@hud.gov

RE: Commonwealth of Massachusetts CDBG-NDRC Funding Waiver Request

To Whom It May Concern:

In line with Public Law 113-2, which authorizes the Secretary of HUD to “waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment)” if the Secretary finds that 1) good cause exists; and 2) the waiver is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.)”, the Commonwealth of Massachusetts (the Commonwealth) is seeking a waiver of the program requirement in Section 904(c) under Title IX of Public Law 113-2 that requires that all funds be expended within two years of the date HUD obligates funds to a grantee.

The attached schedule identifies all projects for which the Commonwealth intends to complete utilizing both HUD CDBG-NDRC funds and outside sources. The table below identifies those projects from the attached schedule which the Commonwealth believes will require additional time outside of the two year requirement mentioned above.

Project Name & Related Activity if Applicable	Key Task(s) Requiring Additional Time	Estimated Start / Completion Dates	Reason for Additional Time
Project 2: Trees for Resilience	Tree Planting, Monitoring	Fall 2016/Fall 2021 (5 years)	This project involves planting over 8,000 trees using two tree planting crews. Due to the large number of proposed trees, limited planting seasons (12-weeks in the spring and fall), proposed staffing, and tree planting rates based on the Commonwealth's existing tree planting programs, five years (i.e. 10 planting seasons) are required to plant all of the proposed trees. Also, long-term (five years) stormwater quality/quantity monitoring of tree box filter installations is proposed as part of the Commonwealth's periodic evaluation program for this project. This duration of monitoring is required to obtain useful information that will be used to gauge the performance of the tree box filters.
Project 3. Reliable Electricity and Heat for Low Income Populations	Installation of Renewable Energy Technologies	Fall 2016/Spring 2019 (2.5 years)	This project involves installation of clean and renewable energy technologies for critical facilities and low income communities. While the anticipated installation of these technologies is expected to take place over the course of two years, a preceding half-year planning effort is required to identify and select eligible recipients.
Project 4: Deerfield River Watershed Resiliency; Activity 4.1: Mohawk Trail Woodlands Partnership	Contracting & Procurement, Design, Environmental Review / Permitting, Construction	Fall 2015/Spring 2022 (6.5 years)	This activity includes several planning and design phases, as is typical with a larger-scale project. The phases are sequential in nature and build upon each other, progressing from exploratory and feasibility studies to ultimate construction. The number of required phases and the sequential nature of them necessitate a schedule that exceeds two years.

Project Name & Related Activity if Applicable	Key Task(s) Requiring Additional Time	Estimated Start / Completion Dates	Reason for Additional Time
Project 4: Deerfield River Watershed Resiliency; Activity 4.2: Watershed Vulnerability Protocol, Tools, and Assessment	Mapping of Hazards and Vulnerabilities	Fall 2015/Fall 2019 (4 years)	The mapping task for this activity requires installation of stream gages and collection / analysis of data for two years. The mapping will be generated using the data collected and is anticipated to be completed within one year following completion of the data collection phase; for a total of three years. The first year of the four-year schedule is associated with development of a stream-crossing vulnerability assessment framework that is already underway using state funds.
Project 4: Deerfield River Watershed Resiliency; Activity 4.3 Grey Infrastructure – Re-Design and Construction	Design, Environmental Review / Permitting, Construction	Spring 2017/Winter 2021 (4.5 years)	This activity involves 15-20 culvert and bridge designs and replacements based on a prioritization process developed using the results of Activity 4.2, to the extent that the tools developed in that activity are available (hence the delayed anticipated start date of Spring 2017). The relatively high number of sites requires longer overall design and construction phases that necessitate a schedule that exceeds two years.
Project 4: Deerfield River Watershed Resiliency; Activity 4.4 Riverine Green Infrastructure Design and Construction	Design, Environmental Review / Permitting, Construction	Spring 2017/Winter 2021 (4.5 years)	This activity will accompany work of Activity 4.3. The green infrastructure elements will be installed in conjunction with redesigned culverts and bridges; thus, the reasons for additional time presented for Activity 4.3 apply to this activity.

Project Name & Related Activity if Applicable	Key Task(s) Requiring Additional Time	Estimated Start / Completion Dates	Reason for Additional Time
Project 4: Deerfield River Watershed Resiliency; Activity 4.5 Charlemont WWTP and Municipal Complex Climate Resiliency	Design, Environmental Review / Permitting, Construction, Demolition	Fall 2016/Spring 2021 (4.5 years)	This activity includes several planning and design phases, as is typical with a larger-scale project. The phases are sequential in nature and build upon each other, progressing from feasibility studies to ultimate construction. The overall project schedule is further extended since the proposed municipal complex must be completed prior to the demolition of the existing structure that it is replacing, so these project elements cannot proceed concurrently. The number of required phases and the sequential nature of them necessitate a schedule that exceeds two years.
Project 4: Deerfield River Watershed Resiliency; Activity 4.6 Technical Assistance & Capacity Bldg	Develop Implementation Guide, Technical Assist to Communities	Fall 2016/Spring 2021 (4.5 years)	This activity is planned to coincide with Activities 4.3 and 4.4 described above, and involves capacity building of community officials where construction is to take place. Sites have not been selected yet. Given the linkage of this activity to Activities 4.3 and 4.4, a schedule that exceeds two years is required.

Project Name & Related Activity if Applicable	Key Task(s) Requiring Additional Time	Estimated Start / Completion Dates	Reason for Additional Time
Project 5. City of Springfield - Recovery and Resilience in a Gateway City; Activity 5.1 Climate Resilient Infrastructure for Flood Control	Heat and Flood Map, Green Infrastructure, Grey Infrastructure	Fall 2016 / Fall 2019 (3 years)	<p>This activity includes development of a heat and flood map that will aid in the prioritization of locations for green infrastructure implementation. The map will be a sophisticated GIS-based decision support tool that is anticipated to take two years to completely develop. Since identification of locations for green infrastructure implementation are contingent on the utility of this tool, a schedule that exceeds two years is required.</p> <p>The climate resilient grey infrastructure for flood control task involves repairs to and replacement of road and drainage infrastructure, and dams that are undersized or in poor or deteriorating condition. The relatively high number of sites (to be determined) will require longer overall design and construction phases that necessitate a schedule that exceeds two years.</p>
Project 5. City of Springfield - Recovery and Resilience in a Gateway City; Activity 5.2 Connecticut River WWTP and CSO Resiliency	Pump Station Floodproofing, Separation of CSOs at I-91, CT River Crossing Pump Station, Dickinson Siphon / Main Interceptor	Fall 2016 / Fall 2020 (4 years)	This activity includes substantial complex infrastructure improvements and upgrades associated with the Springfield Wastewater Treatment Plant in order to make it more resilient and mitigate flooding damages. The scopes of the elements included in this activity and the complex designs and permitting requirements necessitate a schedule that exceeds two years.
Project 6. Planning for Resiliency and Implementation	Project Involvement and Oversight, Regional Planning Agency Collaborative	Fall 2016 / Spring 2022 (5.5 years)	This project includes tasks that are programmatic in nature (e.g. project management and oversight, development of best practices and lessons learned) and must be conducted over the life of the HUD CDBG-NDR-assisted projects. Consequently, a schedule that exceeds two years is required for this project.

Your assistance with the facilitation of this waiver request for the above activities is greatly appreciated. Should you have any questions, please contact me directly at (617) 573-1101.

Sincerely,

A handwritten signature in blue ink that reads "Chrystal Kornegay". The signature is fluid and cursive, with the first name "Chrystal" and last name "Kornegay" clearly legible.

Chrystal Kornegay

Undersecretary

Department of Housing and Community Development

100 Cambridge Street, Suite 300

Boston, MA 02114

HUD CDBG-NDR-Assisted Project Schedules

Project Name	Key Task	Estimated Start / Completion Dates
Project 1. Fix-it-First		
Activity 1.1 Route 2 Culvert over Trout Brook, Charlemont	Contracting / Procurement	Fall 2016 / Winter 2016
	Design	Winter 2016 / Fall 2017
	Environmental Review / Permitting	Summer 2017 / Fall 2017
	Construction	Fall 2017 / Spring 2018
Activity 1.2 Shelburne Falls Fire District Wells, Colrain	Contracting / Procurement	Fall 2016 / Winter 2016
	Design	Winter 2016 / Spring 2018
	Environmental Review / Permitting	Spring 2017 / Spring 2018
	Construction	Spring 2018 / Fall 2018
Activity 1.3 Maple Brook Culvert and Interceptor, Greenfield	Contracting / Procurement	Fall 2016 / Winter 2016
	Design	Winter 2016 / Summer 2017
	Environmental Review / Permitting	Spring 2017 / Summer 2017
	Construction	Fall 2017 / Spring 2018
Activity 1.4 Nash's Mill Bridge, Greenfield	Contracting / Procurement	Fall 2016 / Winter 2016
	Design	Complete
	Environmental Review / Permitting	Winter 2016 / Summer 2017
	Construction	Summer 2017 / Fall 2017
Activity 1.5 Cole Avenue Housing Project, Williamstown	Site Assessment	Fall 2016 / Spring 2017
	Site Clearing and Remediation	Spring 2017 / Spring 2018
Enhancement of Statewide Programs		
Project 2. Trees for Resilience Program	Tree Planting	Fall 2016 / Fall 2021
	Installation of Tree Box Filters	Fall 2016 / Fall 2018
	Monitoring	Fall 2016 / Fall 2021
Project 3. Reliable Electricity and Heat for Low Income Populations	Planning	Fall 2016 / Spring 2017
	Installation of Renewable Energy Technologies	Summer 2017 / Spring 2019
Project 4. Deerfield River Watershed Resiliency		
Activity 4.1 Mohawk Trail Woodlands Partnership	Exploratory Phase (DOER Funded)	Fall 2015 / Fall 2017
	Feasibility and Siting Studies	Fall 2017 / Fall 2018
	Contracting / Procurement	Fall 2018 / Spring 2019
	Design	Spring 2019 / Fall 2020
	Environmental Review / Permitting	Winter 2019 / Fall 2020
	Construction	Fall 2020 / Spring 2022
Activity 4.2 Watershed Vulnerability Protocol, Tools, and Assessment	Stream-Crossing Framework (MA Team Funded)	Fall 2015 / Spring 2017
	Mapping of Hazards & Vulnerabilities	Fall 2016 / Fall 2019
	Contracting / Procurement	Spring 2017 / Fall 2017
	Design	Fall 2017 / Spring 2019

HUD CDBG-NDR-Assisted Project Schedules

Project Name	Key Task	Estimated Start / Completion Dates
Activity 4.3 Grey Infrastructure – Culvert Re-Design and Construction	Environmental Review / Permitting	Spring 2018 / Spring 2019
	Construction	Spring 2019 / Winter 2021
Activity 4.4 Riverine Green Infrastructure Design and Construction	Contracting / Procurement	Spring 2017 / Fall 2017
	Design	Fall 2017 / Spring 2019
	Environmental Review / Permitting	Spring 2018 / Spring 2019
	Construction	Spring 2019 / Winter 2021
Activity 4.5 Charlemont WWTP and Municipal Complex Climate Resiliency	Conduct Feasibility Study	Fall 2016 / Summer 2017
	Design	Fall 2017 / Winter 2018
	Environmental Review / Permitting	Spring 2017 / Winter 2018
	Acquire Property, Construct Facility	Spring 2019 / Spring 2020
	Demolish Existing Town Structures	Fall 2020 / Spring 2021
Activity 4.6 Technical Assistance and Target Area Capacity Building	Develop Implementation Guide	Fall 2016 / Summer 2017
	Technical Assistance to Communities	Summer 2017 / Spring 2021
Activity 4.7 Community Outreach	Public Outreach Program	Fall 2016 / Fall 2018
Project 5. City of Springfield - Recovery and Resilience in a Gateway City		
Activity 5.1 Climate Resilient Infrastructure for Flood Control	Heat and Flood Map	Fall 2016 / Fall 2018
	Green Infrastructure	Fall 2016 / Fall 2019
	Grey Infrastructure	Fall 2016 / Fall 2019
Activity 5.2 Connecticut River WWTP and CSO Resiliency	Pump Station Floodproofing	Fall 2016 / Fall 2020
	Separation of CSOs at I-91	Fall 2016 / Fall 2019
	CT River Crossing Pump Station	Fall 2016 / Fall 2019
	Dickinson Siphon/Main Interceptor	Fall 2016 / Spring 2018
Project 6. Planning for Resiliency and Implementation		
Activity 6.1 Prepare Phase 1 and Phase 2 NDRC Applications		Summer 2016
Activity 6.2 Project Involvement and Oversight		Fall 2016 / Spring 2022
Activity 6.3 Regional Planning Agency Collaborative		Fall 2016 / Fall 2020
Activity 6.4 MA Climate Change Adaptation and Resilience Collaborative (MA Team Funded)		Fall 2016 / Spring 2022